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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
CELSO MARTEARENA-ARRIOLA,
Defendant.

Criminal No. CR 08-0272 SI

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM JUNE 16, 2008 TO AUGUST 18,
2008**

The parties appeared before the Honorable Susan Illston on July 11, 2008.

The parties agree that the Court found and held as follows:

1. Time was excluded from June 16, 2008 through July 11, 2008 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(F) because pretrial motions were filed on that day and were not decided as of July 11, 2008. Both parties will withdraw their pretrial motions and file new motions.

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
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2. There is an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from July 11, 2008 to August 18, 2008, in light of the need for the defendant's newly appointed counsel to review discovery and to prepare for trial. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for counsel to review the discovery and prepare for trial with the defendant. The defendant asserted his right to a speedy trial but the Court informed the defendant of the bases for an exclusion of time.

3. Given these circumstances, the Court found that the ends of justice served by excluding the period from July 11, 2008 to August 18, 2008 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

4. Accordingly the Court ordered that the period from July 11, 2008 to August 18, 2008 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 7/22/08


/s/
ROBERT WAGGENER
Counsel for Celso Martarena-Arriola

DATED: 7/22/08

/s/
LARA M. KROOP
Special Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____


THE HON. SUSAN ILLSTON
United States District Court Judge